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[10191/3186]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/600,894
Title: DRIVER INFORMATION DEVICE
Applicants: Holger LISTLE et al.
Filed: June 20, 2003
Art Unit: 3661
Examiner: Cuong H. Nguyen
Confirmation No.: 5906

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: September 16, 2008

Signature: _____

Jong H. Lee

(Reg. No. 36,197)

RESPONSE TO ADVISORY ACTION

Sir:

This Response is being submitted in direct response to the Advisory Action mailed on September 11, 2008.

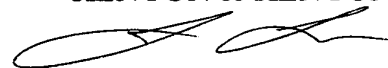
In the Advisory Action, the Examiner noted that the “**Amendment (In Accordance with Board of Appeals’ Statement Pursuant to 37 C.F.R. § 41.50(c))**” mailed on July 9, 2008 “is **not entered** because it was **not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b),**” and that the “prosecution for this case was already closed in 2006.” As is intuitively obvious by example, the Amendment mailed on

July 9, 2008 was **not filed** under the provisions of 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b); instead, the Amendment mailed on July 9, 2008 was filed explicitly pursuant to 37 C.F.R. § 41.50(c), which grants an explicit **right to amend** in conformity with the Board of Appeals' explicit statement of how a claim on appeal may be amended to overcome a specific rejection, and this **right to amend** pursuant to 37 C.F.R. § 41.50(c) has nothing to do with whether the prosecution was previously closed. Since the Board of Appeals' decision mailed on June 25, 2008 contained an **explicit statement pursuant to 37 C.F.R. 41.50(c)**, Applicants have an **absolute right to amend** in conformity with the Board of Appeals' explicit statement of how a claim on appeal may be amended to overcome a specific rejection, and the Amendment in conformity with the Board's explicit statement was filed within the two-month period allowed for seeking court review (of the Board's decision) under 37 C.F.R. 1.304. Accordingly, the Examiner must enter the Amendment mailed on July 9, 2008.

The Examiner is strongly urged to review 37 C.F.R. § 41.50(c) and MPEP 1213.01.

Respectfully Submitted,

KENYON & KENYON LLP

 (R. NO. 36,197)

Dated: September 16, 2008

By: JONG LEE for Gerard Messina

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